

1 BILL NO. Z-88- 07-19

2 ZONING MAP ORDINANCE NO. Z-

15-88

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. R-14.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is
8 hereby designated a P.O.D. (Professional Office) District
9 under the terms of Chapter 33 of the Code of the City of
10 Fort Wayne, Indiana of 1974:

11 A part of Richardville Reserve in Section 18, Township
12 31 North, Range 13 East, more particularly described as
13 follows:

14 Commencing at the Northeast corner of Fractional
15 Section 18, Township 31 North, Range 13 East, thence
16 South 26 degrees West on the Centerline of Leo Road
17 (formerly State Road #427 and #1) a distance of 1669.1
18 feet to a point; thence South 72 degrees 25 minutes
19 East 50.6 feet to a point, said point being the
20 intersection of the easterly right of way line of said
21 Leo Road with the South right of way line of Garden
22 Park Drive; thence South 26 degrees West along the
23 easterly right of way line of said Leo Road a distance
24 of 168.0 feet to the point of beginning, said point of
25 beginning also being the Southwest corner of the tract
26 as described and recorded in Mortgage Record 788, page
27 352-354; thence South 78 degrees East along the
28 Southerly line of said tract a distance of 185 feet to
29 a point, thence South 72 degrees 27 minutes East a
30 distance of 120 feet to a point, thence South 12
31 degrees 23 minutes West a distance of 154.5 feet to a
32 point located on a curve to the left having a radius of
40 feet, said curve also being the northwesterly right
of way line of Beechmont Drive; thence in a
southwesterly direction along said curve a distance of
25.42 feet to a point, thence North 68 degrees 05
minutes West a distance of 329.9 feet to a point on the
easterly right of way line of said Leo Road, thence
North 26 degrees East along said Easterly line a
distance of 135.2 feet to the point of beginning.

EXCEPTING THEREFROM Part of Richardville Reserve in
Township 31 North, Range 13 East, Allen County,
Indiana, described as follows, to-wit:

Commencing at the Southwest corner of Lot #2 of
Concordia Woods Addition as recorded in Plat Book 23,
pages 96-98 in the Office of the Recorder of Allen
County, thence Westerly on a curve to the right with a
radius of 100 feet, an arc distance of 66.88 feet,
thence Westerly on a curve to the left with a radius of
40 feet, an arc distance of 112.22 feet to the point of
beginning, thence Southerly along the aforementioned 40
foot radius curve to the left a distance of 25.42 feet,

#355

thence N68-05W 47.00 feet, thence N28-02E 173.60 feet,
thence S72-25E 16.50 feet, thence S12-23W 154.50 feet
to the point of beginning.

Net area of said parcel is 1.04 acres, more or less.

TOGETHER WITH 2.12 acres of land in Richardville
Reserve west of the St. Joseph River in Township 31
North, Range 13 East, Allen County, Indiana, described
as follows, to-wit:

Beginning at a point in the centerline of the Leo Road
in said Township and Range, said centerline being the
west line of the said Richardville Reserve, said point
being situated 1683.5 feet North 26 degrees East of the
intersection of the said centerline of the Leo Road and
the West line of Section 18, Township 31 North, Range
13 East in said Allen County, Indiana; thence
continuing North 26 degrees East along the said
centerline of the Leo Road a distance of 243.0 feet;
thence South 68 degrees 5 minutes East a distance of
380.0 feet; thence South 26 degrees West a distance of
243.0 feet; thence North 68 degrees 5 minutes West a
distance of 380.0 feet to the place of beginning,
containing 2.12 acres of land, more or less, subject to
an easement over and across the South 25.0 feet thereof
for roadway purposes.

EXCEPTING THEREFROM 50.0 feet off the Northwesternly
border thereof as occupied by State Road No. 427. Net
area of said parcel is 1.84 acres.

and the symbols of the City of Fort Wayne Zoning Map No. P-
42, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Charles B. Reed
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Read, seconded by Long, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, at _____ o'clock P.M., E.S.T. of _____, 19____, at _____

DATE: 7-12-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Long, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u>2</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>LONG</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 8-23-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. Z-15-88 on the 23rd day of August, 1988.

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL

Thomas P. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of August, 1988, at the hour of 1:30 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30th day of August, 1988, at the hour of 1:10 o'clock P.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

OK # 4289

COMMUNITY DEVELOPMENT & PLANNING

No 2791

FT. WAYNE, IND., 4-17 1988

RECEIVED FROM Spidell Homes \$ 50.00

THE SUM OF fifty & 00/100 DOLLARS

ON ACCOUNT OF Les R.

rejoining R-16 POP
fasto

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED 6/17/88

INTENDED USE P.O.D

THIS IS TO BE FILED IN DUPLICATE

I/We Ken Gaffer
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an P.O.D. District the property described as follows:

Tract 17 and Tract 52 Concordia Woods

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: Tract 17 243' x 380' along
Leo Rd, Richardsville Reserve, NW 1/4 Sec. 18 - Tract 52
3.07 Ac Irregular Tract E. of State Rd. 427 S. of Garden Pk
Dr. and W. of Concordia Woods N. part of Richardsville Reserve, Sec. 18
7014 W. of Clinton
(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Felix Lesauski
(Name)

4800 Mt. Pleasant Dr.
Flagstaff, AZ 86004
(Address)

[Signature]
(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Ken Gaffer
(Name)

1118 Skyline Pass
Fort Wayne, IN 46825
(Address & Zip Code)

485-5748
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

CONCORDIA GARDENS OFFICE PARK

A part of Richardville Reserve in Section 18, Township 31 North, Range 13 East, more particularly described as follows:

Commencing at the Northeast corner of Fractional Section 18, Township 31 North, Range 13 East, thence South 26 degrees West on the centerline of Leo Road (formerly State Road #427 and #1) a distance of 1669.1 feet to a point; thence South 72 degrees 25 minutes East 50.6 feet to a point, said point being the intersection of the easterly right of way line of said Leo Road with the South right of way line of Garden Park Drive; thence South 26 degrees West along the easterly right of way line of said Leo Road a distance of 168.0 feet to the point of beginning, said point of beginning also being the Southwest corner of the tract as described and recorded in Mortgage Record 788, page 352-354; thence South 78 degrees East along the Southerly line of said tract a distance of 185 feet to a point, thence South 72 degrees 27 minutes East a distance of 120 feet to a point, thence South 12 degrees 23 minutes West a distance of 154.5 feet to a point located on a curve to the left having a radius of 40 feet, said curve also being the northwesterly right of way line of Beechmont Drive; thence in a southwesterly direction along said curve a distance of 25.42 feet to a point, thence North 68 degrees 05 minutes West a distance of 329.9 feet to a point on the easterly right of way line of said Leo Road, thence North 26 degrees East along said Easterly line a distance of 135.2 feet to the point of beginning.

EXCEPTING THEREFROM Part of Richardville Reserve in Township 31 North, Range 13 East, Allen County, Indiana, described as follows, to-wit:

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Net area of said parcel is 1.04 acres, more or less.

TOGETHER WITH 2.12 acres of land in Richardville Reserve west of the St. Joseph River in Township 31 North, Range 13 East, in Allen County, Indiana, described as follows, to-wit:

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EXCEPTING THEREFROM 50.0 feet off the Northwesternly border thereof as occupied by State Road No. 427. Net area of said parcel is 1.84 acres.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 12, 1988, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-07-19; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 18, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

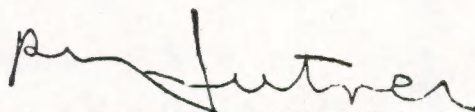
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 25, 1988.

Certified and signed this
28th day of July 1988.



Robert Hutner
Secretary

#355 ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

2-88-07-19

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 7014 No Clinton Street

EFFECT OF PASSAGE Property is presently zoned R-1 - Single Family Residential.

Property will become POD - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

Z-88-07-19

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Zoning Ordinance Amendment
From R-1 to POD

DETAILS**Specific Location and/or Address**

7014 No Clinton Street

Reason for Project

Professional Office Development

Discussion (Including relationship to other Council actions)18 July 1988 - Public Hearing

See Attached Minutes

25 July 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation. Motion carried.

Of the nine (9) members present eight (8) voted in favor of the motion one (1) did not vote.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Ken Gaffer

City Department

Other

Opponents**Groups or Individuals**

Tim Starkey, 6932 No Clinton

Basis of Opposition

-water runoff would be
increased in area

**Staff
Recommendation**☐ For☒ Against

Reason Against

**Board or
Commission
Recommendation**

By

☐ For☒ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for condition

**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 17 June 1988

Projected Completion or Occupancy

Date 28 July 1988

Fact Sheet Prepared by

Date 28 July 1988

Patricia Biancaniello

Reviewed by

Date

Gary Bortin
Reference or Case Number

8/2/88

- a. Change of Zone #355
From R-1 to POD
7014 No Clinton St

Primary Development Plan for "Concordia Gardens Office Park"

Ken Gaffer, co-owner of Spiedel Homes appeared before the Commission. Mr. Gaffer stated that Spiedel Homes is located on the site of 7014 No Clinton Street. He stated that they are requesting the rezoning in order to develop "Concordia Gardens Office Park". He stated that he felt the area would never develop residentially. He stated that he had met with the neighborhood association and all indications were that they were very much for the development on the site. He stated that if the Commission had seen the site and how it currently looks, they would see that anything would be a plus, especially with what he is trying to propose. He stated there is concern for the drainage in the area. He stated that he cannot resolve the drainage problem in the area but feels that his development will not create anymore of a problem in the area. He stated that he would comply with any feasible changes. He stated that he was proposing 10 units.

Sean Collentine, realtor, appeared before the Commission. Mr. Collentine stated that he sold the property. He stated that he felt from the beginning that they would have a number of problems with the site. He stated that it has to be a type of site that is going to work for the area and that will work with the neighborhood. He stated that there is no point in trying to force fit something. He stated that they have worked with the neighborhood on this project. He stated that they have tried to solve any problems with the City. He stated that it is a pocketed area so it is not entered from the association, you access directly from No Clinton Street. He stated that the character of the road is basically commercial now.

Chuck Shamo, 2212 Bellevue Drive, Director at large for the Concordia Neighborhood Association, appeared before the Commission. Mr. Shamo stated that they feel an excel/decel would be required for this project. He stated that they are concerned that the city insure that excel/decel lanes would handle the additional traffic that this project would create. He stated that the pedestrian overpass bridge is in a very awkward position, it is very close to the access to the POD and obviously it is a rather large obstruction. He stated there are many small children and pedestrians that use the bridge and they want the City to consider the safety of the pedestrians using the bridge. He stated that they have met with the realtor and they were very open with their plans. He stated that they feel this development would not be a disadvantage to the association, if the concerns of the association are met and they would be in favor of the development.

William Miller, 6802 Mohawk Drive, Vice-President of the

Concordia Gardens Neighborhood Association, appeared before the Commission. Mr. Miller stated that having a buffer between the neighborhood and No. Clinton of this type might be an advantage, depending upon how the developer goes about developing it. He stated that their two prime concerns are landscaping, that is what the residents who live around the development are going to see. If the landscaping was developed to meet the neighbors approval they would probably not be in opposition to the development. He stated they have not received any plans from the developer on the landscaping. He stated that they have a problem with drainage in Concordia Gardens and at the present time the water from that parcel is routed into the addition. He stated they would like to see the drainage plans and have this water runoff dealt with.

Roger McDannold, 7120 Riverton Drive, a director with the Concordia Gardens Community Association appeared before the Commission. Mr. McDannold stated that the scale drawing is not to scale and they really cannot tell how that is going to impact the detention pond.

Tom Henry, 3rd District Councilman, appeared before the Commission. He stated that he felt the association sees the possibility of something good in this development. He stated that if the developer and association can work out their problems he would ask the Commission to consider a do pass recommendation.

Roger McDannold, 7120 Riverton Drive, asked that if a POD was granted on the property that the property next to it could be a business.

Yvonne Stam stated that if this tract is zone for a POD that does not answer the question about the zoning of any other tract.

Tim Starkey, 6932 No Clinton Street, appeared before the Commission in opposition to the rezoning. Mr. Starkey stated that he owned the property adjacent to the property in question. Mr. Starkey stated that no one has taken the time to meet with him regarding the project. He stated that he is not against the zoning but he did have reservations with the retention pond and the general drainage on the land. He stated that they share a drive and was concerned that the developer would be allowed to put a drive in and he would be cut off from having access onto No Clinton. He stated there is one building on the plan, in the northeast corner of the project, that is listed as a steel erected building. He stated that presently there is a electric contracting there and they informed him that the building is going to be a pole building and they were still going to remain on site and work out of the building.

In rebuttal, Bruce Franke, land surveyor, appeared before the Commission. He stated that in looking at and discussing with various people at Water Pollution Control Engineering the problems that exist in Concordia Gardens due to storm drainage,

problems that exist in Concordia Gardens due to storm drainage, is the feeling through a preliminary routing of the plan and several other meetings, that a detention basin would not cause additional drainage problems into what already existed in Concordia Gardens. He stated that the major constraints to the city's recollection when they dealt with the property was through the Martin Luther Drive entrance to the seminary on No Clinton Street, that is a constraint and causing a drainage problem. He stated that if you look at a contour map of the area for the proposed office park, the shed area involved is rather minute. He stated that they are at the upstream end of this shed area. He stated that they have to design their detention basin for a 100 year storm. He stated that they release that water on a 3 year basis, which will release the same volume and there will be more runoff caused by the impervious surfaces of the office complex. However, the runoff will not be greater in volume at one time, it will flow longer. He stated that the developer is willing to do what is necessary to ensure that the drainage problem is not accelerated by their development.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning or primary development plan.

J. new

BILL NO. Z-88-07-19

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the

City of Fort Wayne Zoning Map No. R-14

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) Do Pass

YES

NO

_____	JANET G. BRADBURY	<i>Janet G. Bradbury</i>
_____	CHAIRPERSON	
_____	MARK E. GIAQUINTA	<i>Mark E. Giaquinta</i>
_____	VICE CHAIRMAN	
<i>Charles B. Redd</i>	CHARLES B. REDD	

<i>David C. Long</i>	DAVID C. LONG	

<i>Paul M. Burns</i>	PAUL M. BURNS	

CONCURRED IN 8-23-88

Sandra E. Kennedy

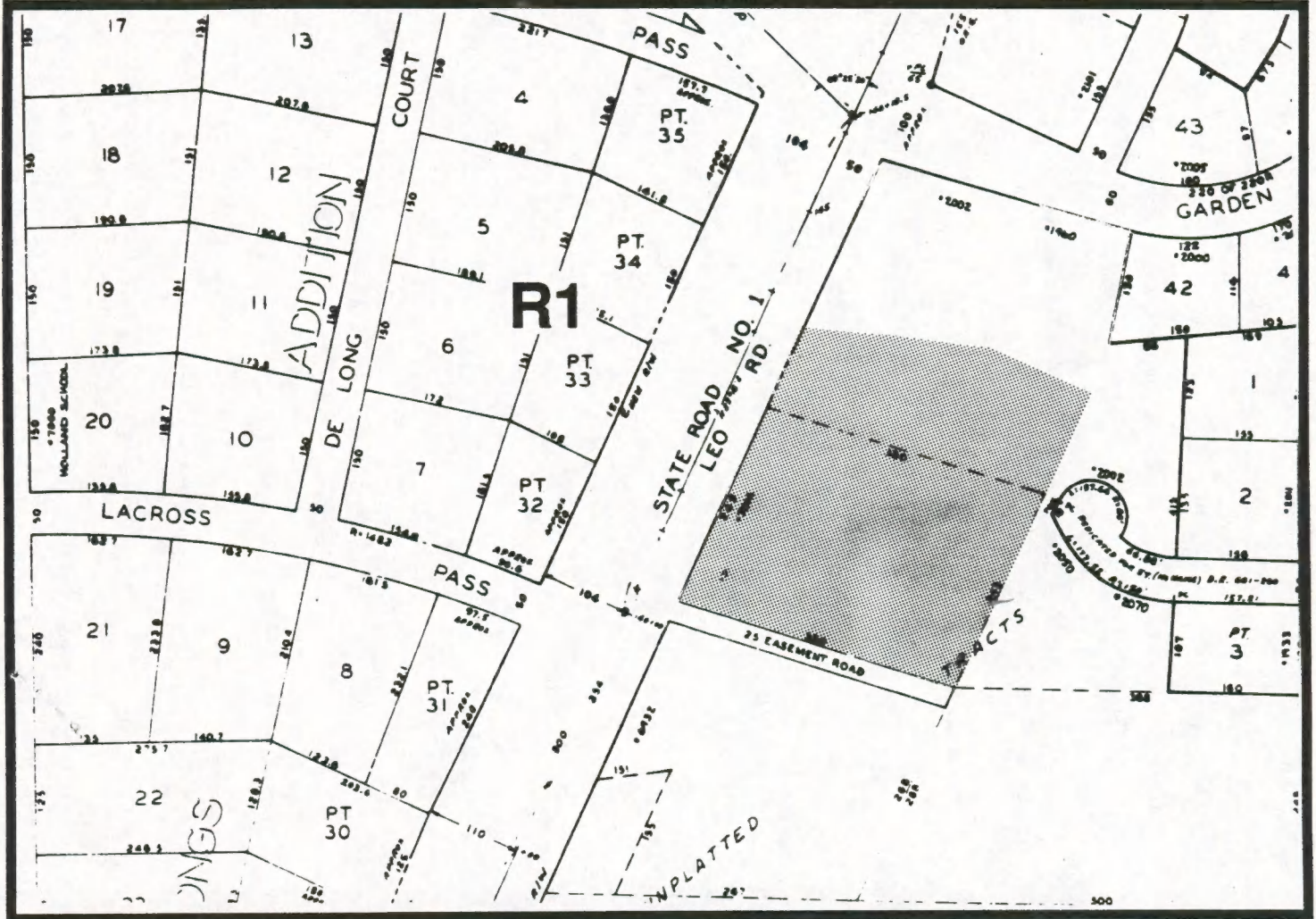
Sandra E. Kennedy
City Clerk

REZONING PETITION #355

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R-1 DISTRICT TO A POD DISTRICT.

MAP NO. P-42

COUNCILMANIC DISTRICT NO. 2



ZONING:

R1 SUBURBAN RESIDENTIAL

LAND USE:

☐ SINGLE FAMILY

w

SCALE: 1" = 200'

DATE: 6-24-88